IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2016 OF 2005
IN
SUIT NO.3409 OF 2002

Bank of India ... Plaintiffs

Vs.

The Official Liquidator of Madras High Court. ... Defendants

Ms. Mamta Sadh i/b M/s. V. Deshpande & Co. for the plaintiffs.

Mr. H.N. Thakore i/b Thakore Jariwala & Associates for respondent 1.

CORAM : SMT. RANJANA DESAI, J.

DATED : SEPTEMBER 20, 2007.

P.C.:-

1. On 8/8/2005, Justice S.C. Dharmadhikari passed ad-interim order in terms of prayer clause (a) except the bracketed portion. Paragraph 2 of the said order reads thus:

> *"2. In my view, considering that the suit is filed for protecting rights of the debenture holders and the plaintiffs are suing in their capacity as Trustees on their behalf, it is desirable that the property, market*

value of which, on the own showing of first defendant, is Rs.70 to 80 crores is disposed of by the Court Receiver, High Court, Bombay after inviting, bids vide public advertisement / notice. Accordingly, ad-interim order in terms of prayer clause (a) except bracketed portion. Court Receiver to dispose of the property by public auction in the first instance."

2. The Court Receiver had submitted his report dated 27/8/2007 to the court on 6/9/2007. Paragraph 17(a) of the said report reads thus :

"17(a) Whether the Court Receiver should proceed in terms of Order dated 8th August, 2005 passed by this Hon'ble Court in the suit herein and conclude sale of properties in accordance with the procedure of Court Receiver."

3. On 6/9/2007, Justice S.J. Vazifdar passed the following order :

"1. The Court Receiver's Report is answered in the affirmative in terms of paragraph 17(a).

2. The costs of the Court Receiver are fixed at Rs.1000/-."

4. In view of this, no further orders are necessary in this notice of motion inasmuch as by order dated 6/9/2007, ad-interim order dated 8/8/2005 passed by Justice S.C. Dharmadhikari is confirmed. Needless to say that defendant 1 (Official Liquidator) can make submissions before the Court Receiver as regards who should be the valuer. Notice of Motion is disposed of.

[SMT. RANJANA DESAI, J.]